

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 3666

Introduced by: **HON. AMADO T. ESPINO, JR.**

EXPLANATORY NOTE

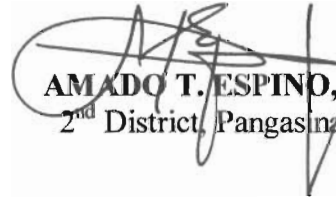
The enactment of Republic Act 6975 into law gave birth to a separate and distinct Bureau of Jail Management and Penology (BJMP) also known as the Jail Bureau under the Department of the Interior and Local Government (DILG). The Jail Bureau is tasked to exercise supervision and control over all district, city and municipal jails. With the creation of BJMP into a separate and distinct bureau, the government emphasized the importance of and its concern for the correctional agencies as a vital pillar in our criminal justice system.

While R.A. No. 6975 is a landmark enactment for the Jail Bureau, in particular, and DILG, in general, it is however unfortunate that the provincial and sub-provincial jails were not placed under the supervision and control of the BJMP but have continued to be supervised by their respective provincial governments. Good government recognizes that similar functions should be placed under one office/organization. Fragmentary supervision of similar functions generally creates confusion and hardly provides the atmosphere for an effective, if not ideal, management. It is also not in keeping with the government's policy of streamlining government administrative machineries.

This bill mainly proposes to take away from the provincial governments the supervision and control over their provincial and sub-provincial jails and place it with the Jail Bureau. This proposal has several advantages, *First*, this will professionalize the provincial jail guards and free provincial jails from the clutches of political influence. *Second*, this will give direction and provide for a unified and coherent policy in the administration and supervision of the disparate provincial and sub-provincial jails. *Third*, it will do away with the confusion on which government agency should be held responsible for the improvement of provincial and sub-provincial jails and the discipline of its jail personnel. *Fourth*, the provincial government should be freed from a task which is not allied to its normal functions and thereby devote its resources and time to the governance of the province. *Fifth*, all local jails, meaning the provincial, sub-provincial, district, city and municipal jails will be administered by one government agency, the BJMP. Sixth, the objectives of penal and correctional institution through jail supervision and management could be better attained since personnel of the Bureau of

Jail Management and Penology have the expertise and training for the job more than local officials. Lastly, the provincial guards will welcome this development because they will become national employees with the corresponding security of tenure.

It is therefore requested that this measure be approved.



AMADO T. ESPINO, JR.
2nd District, Pangasinan

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HOUSE BILL NO. 3666

Introduced by: HON. AMADO T. ESPINO, JR.

**AN ACT AMENDING SECTIONS 61, 62, AND 63 OF REPUBLIC ACT NO. 6975
PLACING FOR THE PURPOSE THE PROVINCIAL AND SUB-PROVINCIAL
JAILS UNDER THE JURISDICTION OF THE BUREAU OF JAIL
MANAGEMENT AND PENOLOGY AND FOR OTHER PURPOSE**

Be it enacted by the Senate and House of Representatives of the Republic of the Philippines in Congress assembled:

SECTION 1. Section 61 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 61. Powers And Functions. - The Jail Bureau shall exercise supervision and control over all PROVINCIAL, SUB-PROVINCIAL, city and municipal jails, [The provincial jails shall be supervised and controlled by the provincial government within its jurisdiction, whose expenses shall be subsidized by the National Government for not more than three (3) years after effectivity of this Act] JAILS DO NOT INCLUDE DETENTION CENTERS AND LOCK-UP CELLS BEING MAINTAINED BY THE ARMED FORCES OF THE PHILIPPINES (AFP), THE PHILIPPINE NATIONAL POLICE (PNP), THE NATIONAL BUREAU OF INVESTIGATION AND THE BUREAU OF IMMIGRATION AND DEPORTATION.

SEC. 2. Section 62 of the same Act is hereby amended to read as follows:

"SEC. 62. Organization. - The Jail Bureau shall be headed by a Chief who shall be assisted by OTHER JAIL OFFICERS ENUMERATED IN R.A. NO. 9263"

"The Jail Bureau shall be composed of PROVINCIAL, SUB-PROVINCIAL, DISTRICT, city and municipal jails, [each headed by a city or municipal jail warden:] Provided, That in the case of HIGHLY URBANIZED CENTERS AND INTEGRATED JAIL FACILITY, [large cities and municipalities] may be established, as necessary."

prescribed in Section 85 of this Act"

SEC. 3. Section 63 of the same Act is hereby amended to read as follows

"SEC. 63. Establishment of PROVINCIAL, SUB-PROVINCIAL, District, City or Municipal Jails. – There shall be established and maintained in every PROVINCE, [district,] city and municipality a secured, clean, adequately equipped and sanitary jail for the custody and safekeeping of PROVINCIAL, city, and municipal prisoners, any fugitive from justice, or person detained awaiting investigation or trial and/or transfer to the national penitentiary, and/or violent mentally-ill person who endangers himself or the safety of others, duly certified as such by the proper medical or health officer, pending the transfer to a mental institution."

The PROVINCIAL, SUB-PROVINCIAL, municipal or city jail service shall preferably be headed by a graduate of a four (4) year course in psychology, psychiatry, sociology, nursing, social work, or criminology OR A LAW GRADUATE who shall assist in the immediate rehabilitation of individuals or detention of prisoners. Great care must be exercised so that human rights of these prisoners are respected and protected, and their spiritual and physical well-being are properly and promptly attended to."

SEC. 4. The heads of the provincial and sub-provincial jails within the province with the rank of Superintendent shall have the position/title of Provincial Jail Warden.

SEC. 5. Authority of the Chief, Bureau of Jail Management and Penology to Reorganize Provincial Jails. The Chief, Bureau of Jail Management and Penology shall have the authority to reorganize existing provincial jails, including its offices and personnel; Provided, that in the exercise of this power, the services of the personnel assigned therein and holding a permanent appointment shall not be terminated.

SEC. 6. Special Oversight Committee. A Special Oversight Committee is hereby created, composed of the Secretary of the Department of the Interior and Local Government as Chairman, the Secretary of the Department of Budget and Management as Co-Chairman, and the Chief of the Bureau of Jail Management and Penology, the Chairman of the Commission on Audit and President of League of Provinces as members, which shall plan and oversee the expeditious implementation of the transfer and absorption into the Bureau of the property, appropriations and installations of the provincial and sub-provincial jails, subject to just compensation under appropriate terms and conditions.

SEC. 7. Separability Clause. - Should any part, section or provision of this Act be held invalid or unconstitutional no other part, section or provision hereof shall be affected thereby.

SEC. 8. Repealing Clause. - All laws, orders, rules or regulations which are inconsistent with or contrary to the provision of this Act are hereby amended or repealed accordingly.

SEC. 9. Effectivity. - This Act shall take effect fifteen (15) days after is publication in Filipino and English in at least two (2) newspapers of general circulation.

APPROVED.